

**MINUTES
INDIANA BOARD OF PODIATRIC MEDICINE
FEBRUARY 8, 2008**

I. CALL TO ORDER

Dr. Coda called the meeting to order at 9:13 a.m. in Room W064 located in the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and established a quorum in accordance with IC § 25-29-2-5.

Members Present:

Vincent Coda, D.P.M.
Jonathan Norton, D.P.M.
William K. Oliver, D.P.M.
Mark Schlichter, D.P.M.

Members Absent:

John M.T. Chavis, II, Consumer Member
Vacant, Consumer Member

Staff Present:

Valerie L. Jones, Board Director
Nancy Harvey, Assistant Board Director
Elizabeth Brown, Deputy Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

SCHLICHTER/NORTON
Motion carried 4-0-0

III. APPROVAL OF MINUTES FROM SEPTEMBER 14, 2007

A motion was made and seconded to approve the minutes, of the September 14, 2007 meeting of the Board, as amended.

OLIVER/SCHLICHTER
Motion carried 4-0-0

IV. IV. PROBATIONARY PERSONAL APPEARANCE

A. Robert Jamey Herbst, License #07000975A

Dr. Herbst personally appeared before the Board according to the terms of his probation and gave an updated report on his current status of employment. He continues to teach at Heritage Academy. He has also started a free clinic and collecting socks and shoes from homeless people.

Dr. Herbst will also stated that he will be joining the Army Reserve this summer.

Dr. Herbst informed the Board that he has not received the total amount billed from his current billing company and requested that the Board approve his request to switch billing companies.

A motion was made and seconded to approve his request to change billing companies.

OLIVER/ SCHLICHTER
Motion carried 4-0-0

V. PERSONAL APPEARANCE

A. Russell Harms, DPM Applicant

Mr. Harms appeared before the Board, at his request, to discuss the positive responses on his renewal application. Mr. Harms answered “yes” to the following questions on his renewal application:

1. Are you now, or have you ever been, treated for drug or alcohol abuse?
2. Have you ever been convicted of, pled guilty or *nolo contendere* to any offense, misdemeanor or felony in any state? (Except for minor violations of traffic laws resulting in fines)

The Board questioned Mr. Harms about his positive responses. Mr. Harms stated that he is a recovering alcoholic and has three DUI convictions. He informed the Board that he started his residency in 2005. Mr. Harms stated that he got his third DUI that year and realized that he had to get his life turned around. He informed the Board that he completed an intensive outpatient program for 6 months and has participated in a Continuing Care program. He has been sober for 2 years. Further, he stated that he has continued to go to meetings and see a counselor during his recovery.

Mr. Harms plans to practice in a group of podiatrists once licensed.

A motion was made and seconded to issue a license pending receipt of his passing PM Lexis III exam scores.

SCHLICHTER/NORTON
Motion carried 4-0-0

B. Thomas Philpot, DPM Renewal Applicant

Dr. Philpot appeared before the Board, at his request, to discuss his expired renewal application. Dr. Philpot has been expired since June 30, 2001. After speaking with Dr. Philpot and discussing the issue, a motion was made and seconded to allow Dr. Philpot to renew his license once the following conditions are met:

1. Take and pass the NBPME Part III examination.
2. Provide proof of at least 30 hours of continuing medical education hours approved by the Board.
3. Take a surgical review course approved by the Board.

SCHLICHTER/OLIVER
Motion carried 4-0-0

VI. ADMINISTRATIVE HEARINGS

A. In the Matter of Thomas Alan Vogel, D.P.M

Administrative Cause No. 2007 PMC 0001

Re: Complaint

Parties and Counsel Present:

Mark Mader, Counsel for the State of Indiana

Beth Anne Compton, Counsel for the Respondent

Thomas Alan Vogel, Respondent

Participating Board Members:

Dr. Coda - Hearing Officer

Dr. Norton

Dr. Oliver

Dr. Schlichter

Case Summary: A Complaint was filed on September 19, 2007 against the Respondent alleging the following:

1. The Respondent engaged in material deception by falsifying an application to participate in a Preferred Provider Organization (PPO) by failing to acknowledge his dependence on alcohol
2. The Respondent has become unfit to practice due to an addiction.
3. The Respondent has become unfit to practice due to a physical or mental disability.

Mark Mader, counsel for the State of Indiana, and Beth Compton, counsel for the Respondent, presented a settlement proposal for the Board approval.

The terms of the settlement include the following:

1. The Board will retain jurisdiction over the Respondent
2. The Respondent must give Candice Backer a copy of the Final Order
3. Failure to comply will result in an immediate emergency suspension
4. Ms. Backer must submit quarterly reports to the Board.

Board Action: A motion was made and seconded to accept the Proposed Settlement Agreement.

SCHLICHTER/OLIVER
Motion carried 4-0-0

B. In the Matter of Bryan E. Hendrix, D.P.M
Administrative Cause No. 2008 PMC 0001
Re: Complaint

Parties and Counsel Present:

Mark Mader, Counsel for the State of Indiana

Witnesses :

Mr. Ray Spann

Participating Board Members:

Dr. Coda - Hearing Officer

Dr. Norton

Dr. Oliver

Dr. Schlichter

Case Summary: A Complaint was filed on January 24, 2008 against the Respondent alleging the Respondent engaged in material deception in the course of professional services or activities by creating a counterfeit certificate of liability to establish the false impression that his insurance policy was in force.

Mark Mader, counsel for the State of Indiana, was present.

The Respondent, nor counsel for the Respondent was present.

Mr. Mader requested that a notice of proposed default be issued and that he be allowed to put forth his evidence.

Mr. Spann testified before the Board. Mr. Spann is an investigator and investigated the authenticity of the Respondents liability insurance. The policy reflects a date of 9/27/2005 – 9/27/2006. Mr. Spann interviewed the Respondent on July 7, 2006. The Respondent admitted to Mr. Spann that he manipulated the form. The Respondent admitted that he had changed the dates using white out and an office type writer. The Respondent stated that he did not have the resources to pay the insurance premiums. Mr. Spann further testified that the insurance was for the Respondents malpractice insurance.

Board Action: A motion was made and seconded to issue a Notice of Proposed Default.

OLIVER/NORTON
Motion carried 4-0-0

VII. OLD/NEW BUSINESS

A. NBPME Survey Review

The NBPME submitted a survey to the Board with the following questions:

1. Should candidates be required to pass Part I before they are able to take Part II?
2. Should candidates complete a one-year residency program before they are eligible to take Part III?

A motion was made and seconded to answer yes to question #1 and no to Question #2.

OLIVER/ SCHLICHTER
Motion carried 4-0-0

B. Appointment of Board Member for CSAC

A motion was made and seconded to nominate Mark Schlichter to represent the Board of Podiatric Medicine on CSAC.

OLIVER/NORTON
Motion carried 4-0-0

C. Election of Officers

A motion was made and seconded to nominate Dr. Vincent Coda to as the Board President.

OLIVER/NORTON
Motion carried 4-0-0

A motion was made and seconded to nominate Mark Schlichter to as the Board Vice-President.

OLIVER/NORTON
Motion carried 4-0-0

D. Rule Discussion

Director Jones informed the Board of the survey conducted by the Indiana Podiatric Medical Association and their request to limit the number of on-line continuing education hours available to practitioners.

The Board reviewed the survey conducted by the IPMA and discussed the issue.

A motion was made to update the rules to state that only a maximum of 10 hours can be gained through an on-line provider.

OLIVER/NORTON
Motion carried 4-0-0

VIII. LICENSURE APPLICATION REVIEW

A. Lacey, Michael

The Board reviewed the application of Mr. Lacey. A motion was made and seconded to approve the application and issue a full license.

NORTON/OLIVER
Motion carried 4-0-0

B. Legge, Bradford

The Board reviewed the application of Mr. Legge. A motion was made and seconded to approve the application and issue a full license.

SCHLICHTER/OLIVER
Motion carried 4-0-0

C. Lisher, Jennifer

The Board reviewed the application of Ms. Lisher. A motion was made and seconded to approve the application and issue a full license.

CODA/NORTON
Motion carried 4-0-0

D. Salem, Atiyeah

The Board reviewed the application of Mr. Salem. A motion was made and seconded to require a personal appearance.

CODA/NORTON
Motion carried 4-0-0

E. Wehrley, Darby

The Board reviewed the application of Mr. Wehrley. A motion was made and seconded to approve the application and issue a full license.

SCHLICHTER/OLIVER
Motion carried 4-0-0

IX. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Board of Podiatric Medicine adjourned at 11:29 a.m.

Vincent Coda, D.P.M.
President, Board of Podiatric Medicine

Date